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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/598,917	09/12/2007	Carl-Eike Hofmeister	071308.0762	2033

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EXAMINER	
GIMIE, MAHMOUD	
ART UNIT	PAPER NUMBER
3747	
MAIL DATE	DELIVERY MODE
04/04/2008	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/598,917	HOFMEISTER, CARL-EIKE	
	Examiner	Art Unit	
	Mahmoud Gimie	3747	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *12 September 2007*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-15* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1,4-6,9-11,14 and 15* is/are rejected.

7)☒ Claim(s) *2,3,7,8,12 and 13* is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *14 September 2007* is/are: a)☒ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☒ All b)☐ Some * c)☐ None of:

1.☒ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date *2/16/2007*.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

Specification

1. The disclosure is objected to because of the following informalities: The specification contains reference to claim 1, paragraph [0002], which does not contribute to the written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same, or set forth the best mode contemplated by the inventor of carrying out his invention. The references to the claims should be deleted from the text of the specification as required.

Appropriate correction is required.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1, 4, 5, 6, 9, 10, 11, 14 and 15 are rejected under 35 U.S.C. 102(b) as being anticipated by Goto et al. (US 6,032,639).

Regarding claim 1, Goto et al. disclose a method for monitoring the operability of an injection system of an internal combustion engine, comprising a pressure accumulator (15), an injection valve (2) connected to the pressure accumulator, a controllable fuel

supply system which delivers fuel to the pressure accumulator, the method comprising the steps of: measuring the pressure in the pressure accumulator by a pressure sensor (20) coupled with the pressure accumulator, feeding the measured pressure value to a control unit (17); controlling the quantity of fuel delivered by the injection valve (2) and supplied from the fuel supply system as a function of operating parameters of the internal combustion engine (col. 3 and ll. 23-26), varying the quantity of fuel delivered by the injection valve (col. 3 and ll. 53-56); measuring a resulting pressure, comparing the resulting pressure with a setpoint pressure (desired fuel pressure) for the given operating conditions, and detecting a malfunction source depending on the deviation of the measured resulting pressure from the comparison value and if the measured resulting pressure is below the setpoint value (col. 7 and ll. 1-40).

Regarding claim 4, the pressure is measured over a measuring period of 1 second (inherent) and the time response of the pressure during the measuring period is compared with a setpoint response.

Regarding claim 5, depending on the fault detected, an appropriate emergency program (fail-safe control system) for control by the control unit is used, wherein appropriate emergency programs being available to the control unit for the various malfunctions (col. 7 and ll. 49-55).

Regarding claim 6, Goto et al. disclose a method for monitoring the operability of an injection system of an internal combustion engine, comprising the steps of: measuring the pressure in a pressure accumulator by a pressure sensor (20), controlling the quantity of fuel delivered by an injection valve and supplied from a fuel supply system

as a function of operating parameters of the internal combustion engine (col. 3 and ll. 23-26), varying the quantity of fuel delivered by the injection valve, measuring a resulting pressure, comparing the resulting pressure with a setpoint pressure for the given operating conditions, and - detecting a malfunction source depending on the resulting pressure and on the deviation of the resulting pressure from the comparison value.

Regarding claim 9, wherein, the pressure is measured over a measuring period of 1 second (inherent) and the time response of the pressure during the measuring period is compared with a setpoint response.

Regarding claim 10, wherein, depending on the fault detected, an appropriate emergency program (fail-safe program) for control by the control unit is used, wherein appropriate emergency programs being available to the control unit for the various malfunctions.

Regarding claim 11, Goto et al. disclose a system for monitoring the operability of an injection system of an internal combustion engine, comprising: - a pressure accumulator, - an injection valve connected to the pressure accumulator, - a controllable fuel supply system which delivers fuel to the pressure accumulator, - a pressure sensor (20) coupled with the pressure accumulator (15), - a control unit (17) controlling the quantity of fuel delivered by an injection valve and supplied from a fuel supply system as a function of operating parameters of the internal combustion engine, and varying the quantity of fuel delivered by the injection valve, - a comparator comparing the resulting pressure with a setpoint pressure for the given operating conditions, and detecting a

malfunction source depending on the resulting pressure and on the deviation of the resulting pressure from the comparison value.

Regarding claim 14, wherein, the pressure is measured over a measuring period of 1 second and the time response of the pressure during the measuring period is compared with a setpoint response.

Regarding claim 15, wherein, depending on the fault detected, an appropriate emergency program (fail-safe program) for control by the control unit is used, wherein appropriate emergency programs being available to the control unit for the various malfunctions.

Allowable Subject Matter

4. Claims 2, 3, 7, 8, 12 and 13 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Conclusion

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The cited references disclose abnormality detection systems.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Mahmoud Gimie whose telephone number is 571-272-4841. The examiner can normally be reached on Monday-Friday between 7 a.m. -3:30 p.m.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Stephen K. Cronin can be reached on 571-272-4536. The fax phone

number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/MG/
/Mahmoud Gimie/
Primary Examiner, Art Unit 3747